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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

BRAINWAVE SCIENCE, INC.,

Plaintiff,

vs.

ARSHEE, INC., DR. LAWRENCE A. FARWELL  
DR. THIERRY MAISON AND  
BRAINFINGERPRINTING FOUNDATION,

Defendant

Civil Action No.: 21-cv-4402 (BMC - RLM)

Statement of defendant Dr. Thierry Maison regarding  
exhibit provided by plaintiff

Dr. Thierry Maison, being duly sworn, deposed and says as follows:

- 1) I am a Defendant in the above action.
- 2) This declaration is made primarily to rebut and respond to dispute some of the exhibit facts made by Krishna Ika in support of BWS's motion.
- 3) I am not employed or renumarated by Dr. Lawrence Farwell or the Brain Fingerprinting Foundation.
- 4) This document includes many technical terms that may not be familiar to the reader. To help the comprehension of this document, those technical terms are described in the Terminology appendix of this document.

### Brainwave Science Exhibit D

Brainwave Science presented us with two exhibits that contradict each other (exhibit B and exhibit D). We believe that exhibit D is manipulated and fabricated to influence the case and therefore a fraudulent fact. The first issue version of exhibit B was provided to me in a litigation hold letter on June 22, 2021.

Exhibit B is created using two photos, the Brainwave Science application shown with a blue background, and the Farwell application shown with a green background. Exhibit D is a computer-generated document trying to show the similitude of the applications with Brainwave Science fabricated views spousing the same color background as the Farwell application. On June 29, 2021, I provided Mr. Tomkins with the entire source code from the Farwell application to prove that the proprietary portion of the software was not duplicated. This source code was used by Brainwave Science to fabricate exhibit D.

Statement of defendant Dr. Thierry Maison regarding exhibit provided by plaintiff - 1

May I request that Brainwave Science be forced to provide proof that their software did exist before June 29, 2021, with a green background? This proof must include **Visual Studio** access to the files that create the visual interface (**XAML** files) with a review of the **TFS** change history of those files. Brainwave Science is using an on-premises **TFS** server. AND a validation of the application installer program analyzed for **digital signature**, **modified** and **creation** date, and installed to verify the background color. The **digital certificate** used for **code-signing** is provided by DigiCert (a Microsoft-approved code-signing certificate vendor) and is **timestamped** with web time service. Any failure of providing a functioning application with a green background properly traceable to Brainwave Science development environment (TFS), properly dated before June 29, 2021, with a digital signature will conclude that exhibit D was fabricated and fraudulent.

#### CodeQuiry exhibit C from Brainwave Science

Additionally, we are questioning the exactitude of the CodeQuiry comparison. What was presented to the tool was all the common and open software portion only, but proprietary sections like the:

- EEG headset interface, the EEG capture software [Brainwave Cognionics directory, Brainwave Quick directory],
- the licensing module [proprietary to Brainwave Science],
- and additional file directories like Interactive Data Display were conveniently omitted.

If the differences have been omitted, of course, the result will yield a very high number, but the result is not true. Any statistical application like CodeQuiry can be manipulated to obtain the desired result. And exhibit C from Brainwave Science is a perfect example of such manipulation.

Dated this 30 of August 30, 2022




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Thierry Maison

## Terminology

**Visual Studio** - Visual Studio Community is a free Integrated Development Environment (IDE) provided by Microsoft. It provides a platform for editing source code, **compiling** source code into binary objects, and assembling those object files into executables that will run your application. In a multiple developer environment, Visual Studio can connect to a Source Code Control (SCC) for managing the team development.

**Compiling** – is a software development term describing the transformation of software source code into a binary form that can be later assembled into a software executable.

**Executable** – is the final form of a computer program that is ready for execution in the Microsoft Windows environment. It's usually a file with the filename extension of .exe. May other files are packaged with the executable, they are DLLs

**Dynamic Linked Libraries DLL** - are binary files with ready-to-run programs. DLLs are either created by Visual Studio to share a common portion of the program or provided by other projects like open software projects.

**XAML** – (eXtensible Application Markup Language) is a specific computer language for the creation of application user interface. The XAML language includes all the widgets like buttons, lists, etc. necessary for the view creation.

**Digital Signature** – Digital signatures are created using a Digital Certificate and an encoded portion of the application is signed. It is used by Microsoft when starting an application to verify that the author of the application is a legitimate software creator. During the application of a digital signature, the code signing application will contact an NTP server to acquire an accurate timestamp for the signature.

**Digital Certificate** – a digital certificate is issued to an individual or enterprise after that individual or enterprise is completely vetted as a legitimate developer. The vetting process includes physical contact with the developer, the business is validated for existence, and proper registration with a State for doing business.

**Code Signing** - As a security practice, Microsoft requires that any executables be digitally signed with a digital certificate traceable to a Microsoft-approved Certificate Authority with a Network Time Protocol (NTP) timestamp.

1           **Modified** and **Creation** dates: During the development process and for any files created by a computer  
2 environment, the creation date of the files is recorded as part of the file format. This is identical to any modification  
3 of the file.

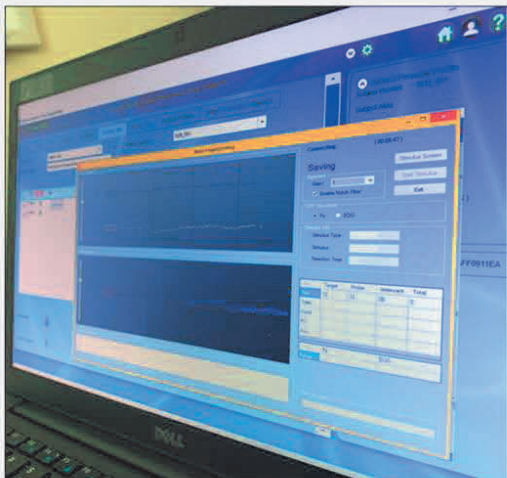
4           **Team Foundation Server** (TFS) - TFS is a free Microsoft-provided server application source code control  
5 for an on-premises environment. Today Microsoft has replaced the on-premises server within the computer cloud  
6 equivalent called DevOps. The service is free for a team comprising 5 or fewer developers. It is subscription-based  
7 for a larger team.

Brainwave Science v. Arshee et al

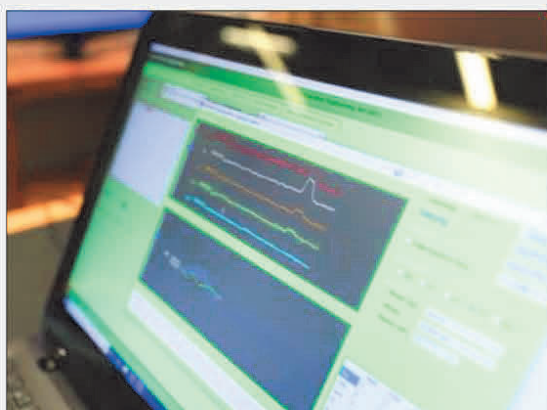
21-cv-4402 (BMC)

**Exhibit B** to Affidavit of Krishna Ika

Brainwave Science application



Farewell's application



Brainwave Science v. Arshee et al

21-cv-4402 (BMC)

**Exhibit D** to Affidavit of Krishna Ika

This Document lists the screen shots taken from  
Brainwave Science's Proprietary iCognitive Applications  
(Left side under the Brainwave Science's Application as a Heading)

And

Larry Farwell's NeuroDyne Application  
(Right side under the Larry Farwell's Application as a Heading)

Side by side

## Brainwave Science's Application

Brainwave Science - Cognitive

### Case Manager

Select All ☒ Show Active ☐ Show Inactive ☐ Show All

Case Number	Case Name	Case Summary	User	Last Modified	Date
XBUSG01000001	Gold Brick Smuggling Case	Gold Brick Smuggling Case - 8 Suspects		08/04/2021	13:22:11
Case_010100016	US Famous People Picture present 1			08/04/2021	13:10:03
2021_Famous People				04/03/2021	09:42:57
aka	KMARS-RAUPRESENT			03/01/2021	13:31:39
XBUSG01000002	XBUSG01000001	Murder Case - 5 Suspects in Custody		03/01/2021	13:25:24
XBUSG01000003	XBUSG01000002	Thief Case - 1 Suspect		02/26/2021	12:11:58
Testprocedentor	Testprocedentor			02/26/2021	09:31:18
XBUSG01000004	XBUSG01000003	Missing Woman Case - 1 Suspect		02/25/2021	14:35:35
XBUSG01000005	XBUSG01000004	Murder Case - 2 Suspects		02/17/2021	11:07:20
XBUSG01000006	XBUSG01000005	Student Missing Case - 2 Suspects		02/17/2021	10:57:15
XBUSG01000007	XBUSG01000006	Group			

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## Dashboard

Brainwave Science - Cognitive

### Case Manager Add/Edit Case

Gold Brick Smuggling Case (XBUSG01000001)

Select All ☒ Show Active ☐ Show Inactive ☐ Show All

Case Basic Details

Case Number: XBUSG01000001

Case Name: Gold Brick Smuggling Case

Case Relevant Documents

Case Notes

Case Summary

Gold Brick Smuggling Case - 8 Suspects

Case Add/Edit

## Larry Farwell's Application

Brain Fingerprinting, LLC - Farwell Brain Fingerprinting

### Case Manager

Select All ☒ Show Active ☐ Show Inactive ☐ Show All

Case Number	Case Name	Case Summary	User	Last Modified	Date
BWS-OEO-09189	Cell phone 1			08/03/2021	11:10:37
BWS_OEO09187	US Famous People Picture Stimuli	US Famous People Picture Stimuli		06/29/2021	15:45:59

Page 1 of 2 of 2 Record 1 to 2 of 2

## Dashboard

Brain Fingerprinting, LLC - Farwell Brain Fingerprinting

### Case Manager Add/Edit Case

Cell phone 1 (BWS-OEO-09189)

Select All ☒ Show Active ☐ Show Inactive ☐ Show All

Case Basic Details

Case Number: BWS-OEO-09189

Case Name: Cell phone 1

Case Relevant Documents

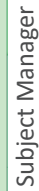
Case Notes

08/02/2021 17:19 PHE Case Notes

Case Summary

Case Add/Edit





# Larry Farwell's Application



## Brainwave Science's Application

Brainwave Science - Cognitive

KABIS-RAJPRESENT (bbs)

Case Subject Fact Protocol Test Setup Conduct Test Replay Test Perform Analysis Subject Instruction Language

Modality Type: Text Case Fact Type: Select-- Case Fact Type: Select-- Target Count: 2 Target Count: 2

Case Fact Type	Case Fact Description	Case Fact	Irrelevant 1	Irrelevant 2
<input checked="" type="checkbox"/>	The City in Karnataka you studied	Mysore	Ranga	Hallabai
<input checked="" type="checkbox"/>	Name of your Brother	Ravi Ra	Chin	
<input checked="" type="checkbox"/>	Brother's name	TPQUT	KUTESH	
<input checked="" type="checkbox"/>	Name of one of Raj's friends	Poonmilla	karvath	hulu hulu

Record 1 to 4 of 4

### Fact Manager

Brainwave Science - Cognitive

KABIS-RAJPRESENT (bbs)

Fact Manager - Add / Edit

Case Fact Type: Target

Case Fact Description: The City in Karnataka you studied

Case Fact: Mysore

Irrelevant 1: Ranga

Irrelevant 2: Hallabai

Notes

Subject Add/Edit

## Larry Farwell's Application

Brain Fingerprinting, LLC - Farwell Brain Fingerprinting

Cell phone 1 (BWS-080-08199)

Case Subject Fact Protocol Test Setup Conduct Test Replay Test Perform Analysis Subject Instruction Language

Modality Type: Text Case Fact Type: Select-- Case Fact Type: Select-- Target Count: 9 Target Count: 9

Case Fact Type	Case Fact Description	Case Fact	Irrelevant 1	Irrelevant 2
<input checked="" type="checkbox"/>	Where you were when you were referred to office	327	893	387
<input checked="" type="checkbox"/>	The location of hidden place	Glove Compartment	Trunk	
<input checked="" type="checkbox"/>	Investor of Brain	Larry Farwell	Anna May Wong	Tai Chin
<input checked="" type="checkbox"/>	The vehicle used to drive	Car	Stake	80 Cycle
<input checked="" type="checkbox"/>	Where you were located	Highway	Backyard	Backyard
<input checked="" type="checkbox"/>	Who you were with	Harold	Zulu Wei	Heimer
<input checked="" type="checkbox"/>	Your company name	Brainwave Science	Brainwave Science	12th Floor
<input checked="" type="checkbox"/>	Which side of the car door	2nd Floor	18 Floor	12th Floor
<input checked="" type="checkbox"/>	Upstairs to the car door	Passenger Side	Trunk Rear Side	SUV Door

Record 1 to 10 of 10

### Fact Manager

Brain Fingerprinting, LLC - Farwell Brain Fingerprinting

Cell phone 1 (BWS-080-08199)

Fact Manager - Add / Edit

Case Fact Type: Target

Case Fact Description: Investor of Brain Fingerprinting

Case Fact: Larry Farwell

Irrelevant 1: Anna May Wong

Irrelevant 2: Tai Chin

Notes

Subject Add/Edit

## Brainwave Science's Application

Brainwave Science - iCognitive

KUAS-SAPRESENT (abs)

Case Subject Fact Protocol Test Setup Conduct Test Replay Test Perform Analysis Subject Instruction Language

Test Protocol Name	Modality Type	Setup Type	Person of Interest
TestProtocol_212766	Text	Person of Interest	

Page 1 of 1 Record 1 to 1 of 1

Test Protocol Manager

## Test Protocol Manager

Brainwave Science - iCognitive

KUAS-SAPRESENT (abs)

Case Subject Fact Protocol Test Setup Conduct Test Replay Test Perform Analysis Subject Instruction Language

Test Protocol Name	Modality Type	Setup Type	Person of Interest
TestProtocol_212766	Text	Person of Interest	

Page 1 of 1 Record 1 to 1 of 1

Test Protocol Add/Edit

## Larry Farwell's Application

Brain Fingerprinting, LLC - Farwell Brain Fingerprinting

Farwell Brain Fingerprinting

Case Subject Fact Protocol Test Setup Conduct Test Replay Test Perform Analysis Subject Instruction Language

Test Protocol Name	Modality Type	Setup Type	Person of Interest
Test Protocol	Text	Person of Interest	

Page 1 of 1 Record 1 to 1 of 1

Test Protocol Manager

## Test Protocol Manager

Brain Fingerprinting, LLC - Farwell Brain Fingerprinting

Farwell Brain Fingerprinting

Case Subject Fact Protocol Test Setup Conduct Test Replay Test Perform Analysis Subject Instruction Language

Test Protocol Name	Modality Type	Setup Type	Person of Interest
Test Protocol	Text	Person of Interest	

Page 1 of 1 Record 1 to 1 of 1

Test Protocol Add/Edit

## Brainwave Science's Application

Brainwave Science - iCognitive

**KABIS-RAJ/PRESENT (db)**

Case Subject Fact Protocol Test Setup Conduct Test Replay Test Perform Analysis Subject Instruction Language

Test Setup Name	Test Setup Type	Subject Name	Test Protocol Name
Krishna	Person of Interest	Krishna Ila	TestProtocol_232706
Raj	Person of Interest	Raj Veerani	TestProtocol_232706

Page 1 of 1 Record 1 to 2 of 2

## Test Set-up Manager

Brainwave Science - iCognitive

**KABIS-RAJ/PRESENT (db)**

Test Setup Manager Add/Edit

Test Setup Name: Raj

Select Subject: Raj Veerani

Test Protocol Name: TestProtocol\_232706

Test Setup Type: Person of Interest

Notes:

Sets And Group Preview

Set1

Group1

Name of case of Raj Veerani nephew

Pournadu

saraveth

hulu helu

The City in Karnataka you studied

Myzone

Rogla

Naluri

Group2

Update Back

## Test Set-up Add/Edit

## Larry Farwell's Application

Brain Fingerprinting, LLC - Farwell Brain Fingerprinting

**Farwell Brain Fingerprinting**

Case Subject Fact Protocol Test Setup Conduct Test Replay Test Perform Analysis Subject Instruction Language

Test Setup Name	Test Setup Type	Subject Name	Test Protocol Name
Test Set Up	persondefined	First Name Last Name	Test Protocol

Page 1 of 1 Record 1 to 1 of 1

## Test Set-up Manager

Brain Fingerprinting, LLC - Farwell Brain Fingerprinting

**Farwell Brain Fingerprinting**

Test Setup Manager Add/Edit

Test Setup Name: Test Set Up

Select Subject: First Name Last Name

Test Protocol Name: Test Protocol

Test Setup Type: persondefined

Notes:

Sets And Group Preview

Set1

Set2

Group1

Color of the Car

Blue

Server

Read

Green

Inventor of Brain Fingerprinting

Larry Farwell

Anna May Wong

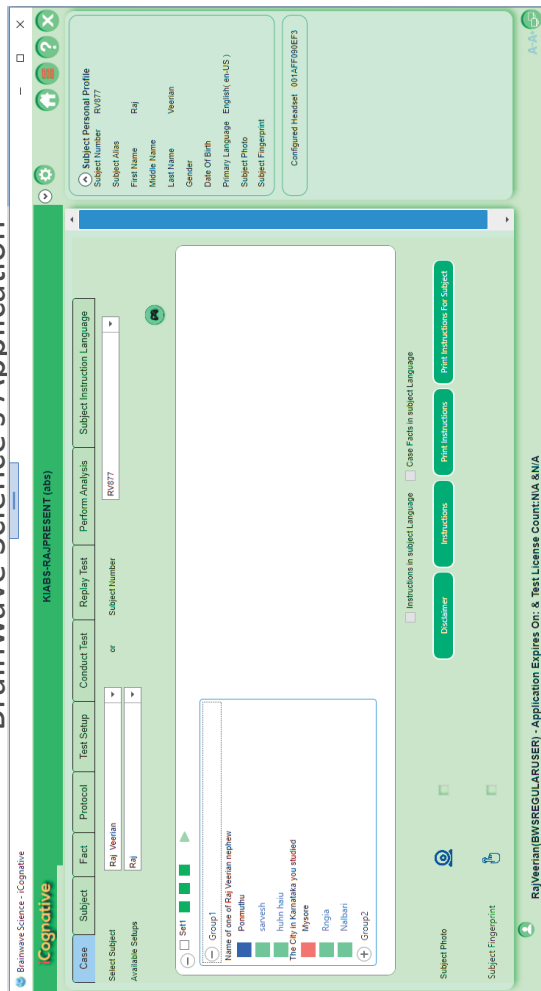
Test Chin

Group2

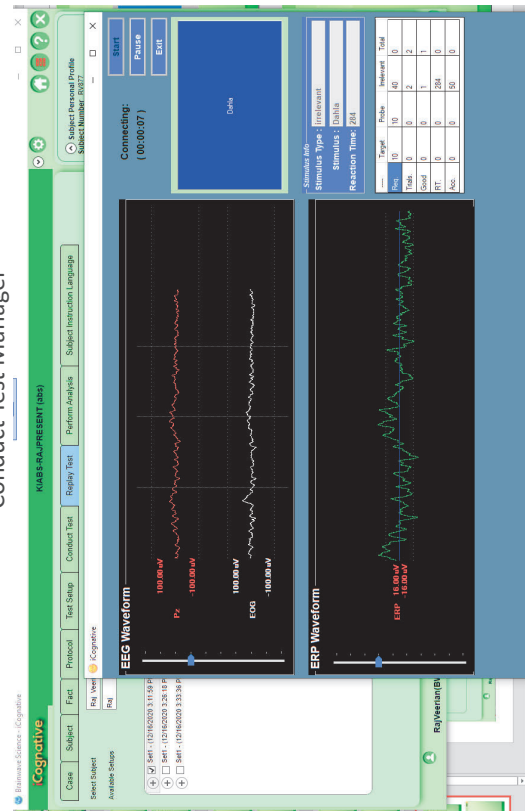
Update Back

## Test Set-up Add/Edit

## Brainwave Science's Application

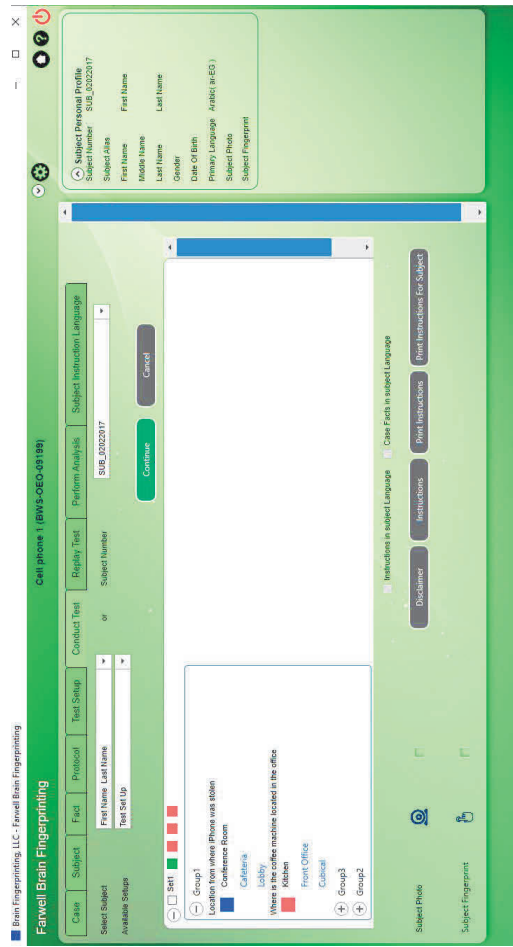


## Conduct Test Manager

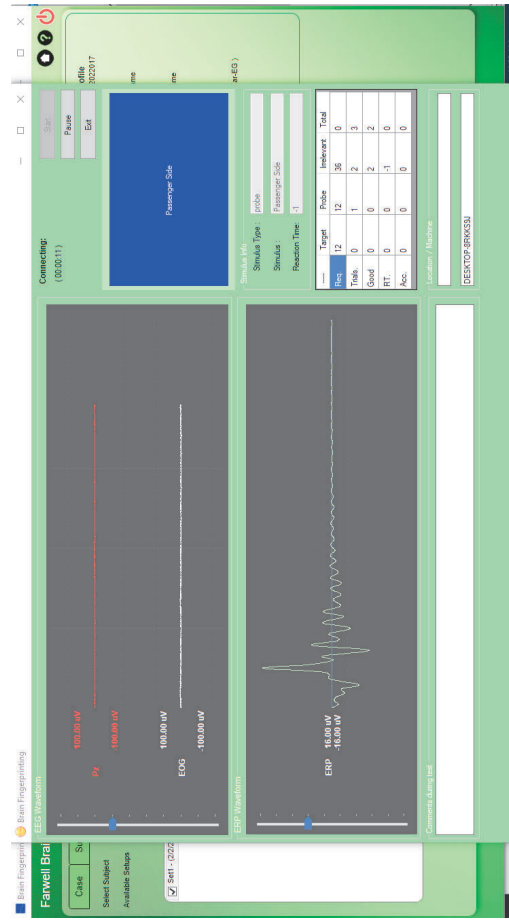


## Replay test

# Larry Farwell's Application



## Conduct Test Manager

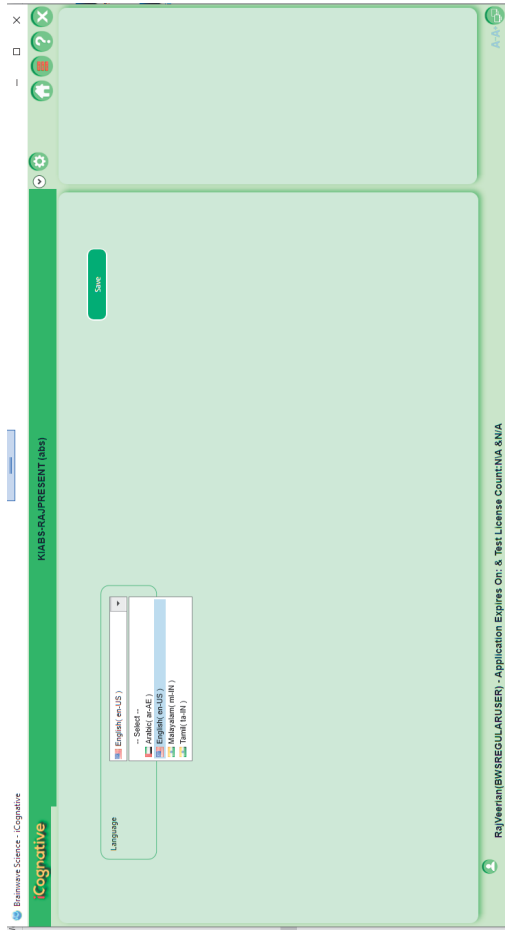


## Replay test

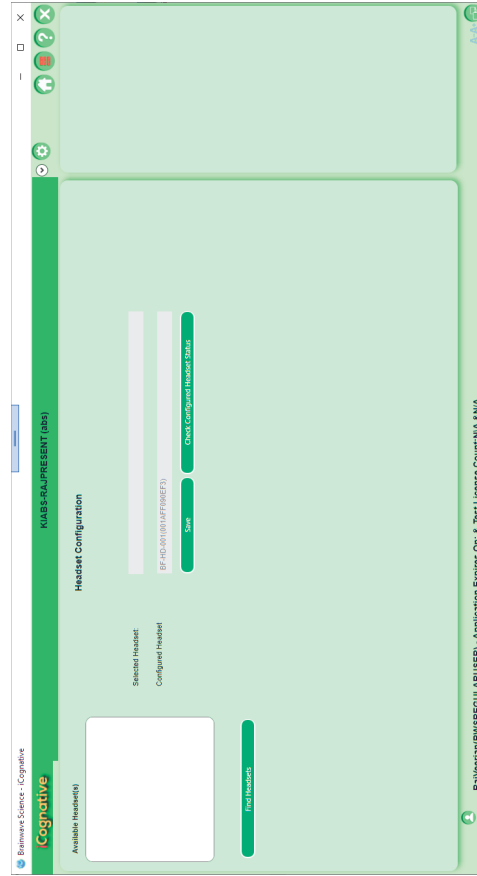




## Brainwave Science's Application



## Application Language Setting



## Headset Configuration

## Larry Farwell's Application

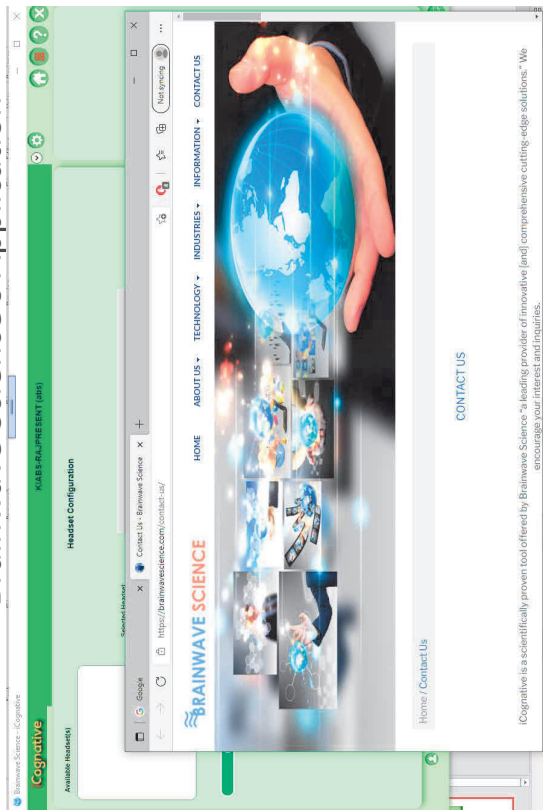


## Application Language Setting

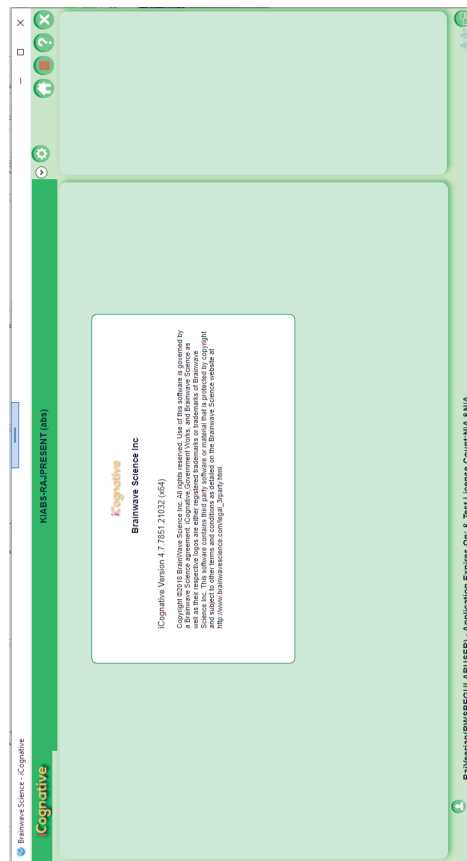


## Headset Configuration

## Brainwave Science's Application

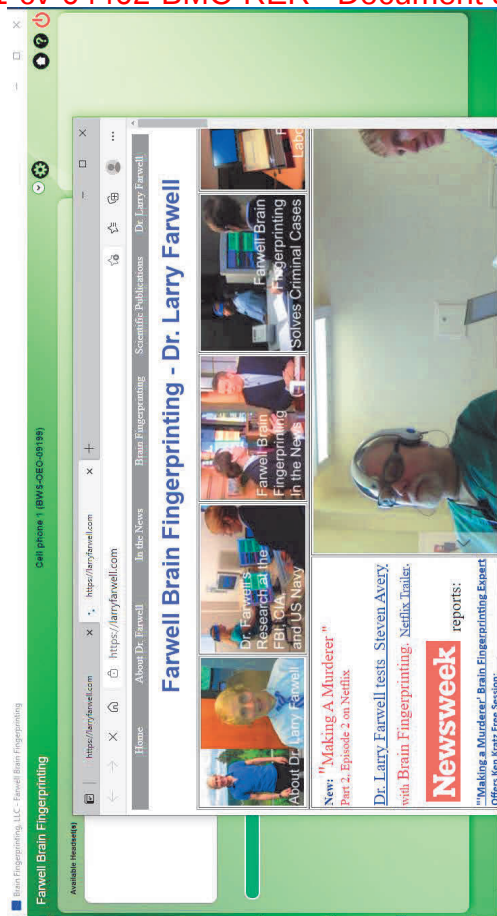


### Technical Support

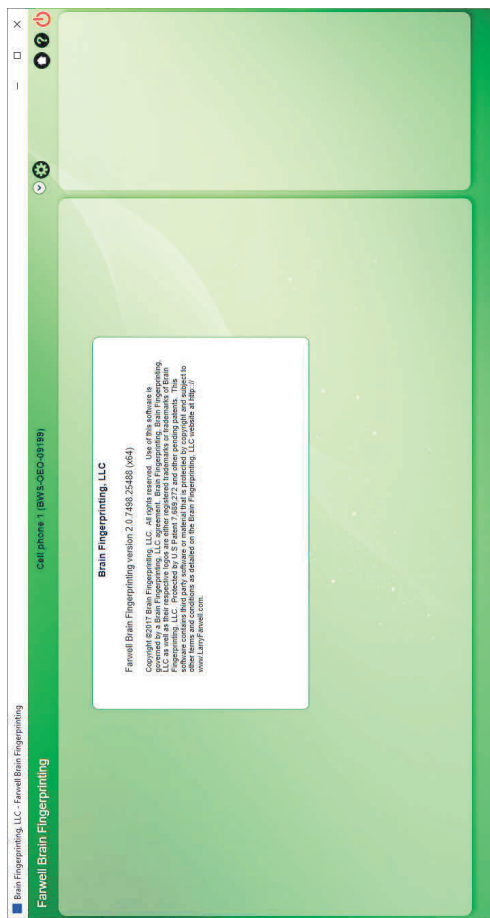


### About the application

## Larry Farwell's Application



### Technical Support



### About the application